(4)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

Writ Petition No. 1525 /2002.

PETITIONER : Ramesh Das Manikpuri s/o Telu Das Manikpuri, aged about 27 years, r/o Purani Basti, Kargi Road, Bilaspur, C.G. Contractor of Railway Cycle Stand No. 2, at Railway Station of South Eastern Railway, Bilaspur, C.G.

V E R S U S.

RESPONDENTS : 1. Union of India, through the General Manager, South Eastern Railway, Gardenreach, Cacutta-43.

2. Divisional Railway Manager, South Eastern Railway, DRM-Office, Railway Settlement, Bilaspur. C.G.

3. Senior Divisional Commercial Manager, South Eastern Railway , SR. DCM-Office, Railway Settlement, Bilaspur, C.G.

P.R. No. 1598/02
Presented by Shri ... Received
dated ... 29.10.02

Copy Received
For Vinay Hazra
Advocate

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. No. 1524/2002

Ram Singh Yadav
Vs.
Union of India & others

AND

W.P. No. 1525/2002

Ramesh Das Manikpuri
Vs.
Union of India & others

AND

W.P. No. 1625/2002

Surya Pratap Singh

Vs.

Union of India & others

ORDER

By Justice Fakhruddin.

These three writ petitions No. 1524/2002, 1525/2002 and 1625/2002 since involve same questions are being disposed of by common order.

2. These matters were heard at length on 24.7.2003.

3. Counsel for the parties addressed on the earlier dates of hearing and today as well.

4. It is submitted that Railway Authorities including Shri H.S. Bajwa, D.C.M. (Co-ordinate) are present and as directed they have brought the original record. The railway map/plan for model station, filed by the respondents perused.

5. The petitions relate to contract of Railway Cycle stand/Scooter stand. The period of contract, it is not disputed, has expired and fresh tenders have been called upon for Bilaspur Division Stand No. 1 and tenders for Bilaspur Stand No. 2 and Durg have to be called, which it is stated is at the final stage.

6. The basic idea is that the Railway Cycle stand and the Scooter stand should properly be managed. The rate, which is charged, should be prescribed one and not extra and the conditions should be proper and the commuters should have no difficulties. Proper notices on board in conspicuous place apprising the public be displayed in every cycle stand prescribing the rates of each vehicle which is to be charged from the customers. In case of any complaint in this regard, the Vigilance Officer or the Station Superintendent concerned as deemed fit and proper in this regard, to deal with it firmly.

7. It is submitted by Shri Vinay Harit and Shri P.S. Koshy, counsel for the Railway Administration that keeping all these factors into consideration they have incorporated certain additional terms and conditions for the welfare of all parties.

8. In view of the facts and circumstances and the statement made by counsel for the parties, the position, which has been emerged, is that Bilaspur Division stand No.1 tender has been finalized. The tenders for Bilaspur stand No. 2 and Drug, which have to be finalized, are at the final stage.

9. Counsel for the petitioners submits that so far as the tenders remain to finalize are concerned, they may be allowed to participate subject to fulfillment of the conditions imposed in the contract. It is submitted that regarding complaints filed on record of

this case by the respondents, if they are to be relied upon, opportunity of ex-post-facto hearing if required may be given in case those complaints are relied upon by the Railways authorities for disqualifying them. It has also been pointed out that the petitioner in W.P. No. 1625/2002 has not paid licence fees to the Railway Administration after filing the petition. If that be so, he is directed to clear all the dues and obtain receipts thereof immediately.

10. In view of the directions and observations made hereinabove, these petitions are disposed of accordingly.

Sd/-
Fakhruddin
Judge

08 -8-2003

Vatti/-